

Panaji, 30th October, 2008 (Kartika 8, 1930)

SERIES II No. 31



OFFICIAL GAZETTE

GOVERNMENT OF GOA

GOVERNMENT OF GOA

Department of Education, Art & Culture

Directorate of Technical Education

Order

No. 17/3/56/2008/DTE/2050

Sanction of the Government is hereby conveyed for the acceptance of resignation tendered by Smt. Sonali Verenkar w.e.f. 1st October, 2008 from the post of Lecturer in Architectural Assistantship in Government Polytechnic, Panaji.

Smt. Sonali Verenkar stands relieved w.e.f. 30th September, 2008 (a. n.) from the post of Lecturer in Architectural Assistantship in Government Polytechnic, Panaji.

By order and in the name of the Governor of Goa.

Vivek B. Kamat, Director of Technical Education and ex officio Additional Secretary.

Porvorim, 21st October, 2008.

Department of Finance

Revenue & Control Division

Directorate of Accounts

Order

No. DA/Admn/46-2(63)/08-09/TR-2042/83

Government is pleased to accept the notice of Voluntary Retirement dated 27-08-2008 tendered by Smt. Geeta J. Kamat, Dy. Director of Accounts/Accounts Officer, Directorate of Agriculture under Rule 48-A (3-A) (a) of CCS (Pension) Rules, 1972 w.e.f. 01-09-2008 (forenoon) by curtailing the three months notice period on condition that Smt. Geeta J. Kamat, Dy. Director of Accounts/Accounts Officer shall not apply for commutation of a part of her pension before expiry of the period of notice of three months.

Smt. Geeta J. Kamat, Dy. Director of Accounts/Accounts Officer shall stand retired from service w.e.f. 01-09-2008 forenoon.

By order and in the name of the Governor of Goa.

Rajan V. S. Kunkolienkar, Director of Accounts & ex officio Joint Secretary.

Panaji, 17th October, 2008.

Order

No. DA/Admn/45-5/08-09/TR-2063/85

The Government is pleased to order the transfer and posting of Shri Gokuldas T. Verdekar, Dy. Director of Accounts/Accounts Officer under Common Accounts Cadre working in the District Rural Development Agency (South), Margao to the Directorate of Agriculture, Tonca-Caranzalem, Goa, with immediate effect on health grounds.

The deputation period of Shri Gokuldas T. Verdekar, Dy. Director of Accounts/Accounts Officer in the District Rural Development Agency (South), Margao stands curtailed from the date of his relief from the said Agency.

Shri Mahendra D. Nagorcenkar, Accounts Officer presently working in the Office of the Zilla Panchayat South, Margao-Goa shall hold the additional charge of the post of the Accounts Officer in the District Rural Development Agency (South), Margao for sometime as purely temporary stop gap arrangements until a regular substitute is posted.

The transfer is effected at the request of the Officer concerned and therefore Shri Verdekar is not entitled for T.A./D.A.

By order and in the name of the Governor of Goa.

Rajan V. S. Kunkolienkar, Director of Accounts & ex officio Joint Secretary.

Panaji, 20th October, 2008.

Finance Commission Division

Order

No. 2/7/92-FCC (PF.)II

- Read: 1) Government Order No. 2/7/92-FCC dated 06-03-2006.
- 2) Government Order No. 1-42-2006-Fin (Bud) dated 21-02-2008.
- 3) Government Order No. 1-42-2006-Fin (Bud) dated 30-06-2008.

Shri Maneesh Bahuguna, IRS (89047), holding the post of Special Secretary (Finance), Government of Goa on deputation for a period of 1+1 year from 06-03-2006 to 05-03-2008 and further extended, as mutually agreed to by Government of India and Government of Goa upto 30-10-2008 vide Order referred to above stands relieved from the above post w.e.f. 31-10-2008 (a.n.) from this Administration.

By order and in the name of the Governor of Goa.

Meena Priolkar, Under Secretary, Fin. (Bud-II).

Porvorim, 16th October, 2008.

Department of Forest

Notification

No. 7-5-2005/FOR

In supersession of Notification No. 7-5-2005/FOR dated 06-12-2005 and No. 7/5/05/FOR/144 dated 17-4-2008, the Government of Goa is pleased to revise the scheme for grant of compensation on account of loss of human life, permanent disability or injury and/or damage to crop, cattle or property caused by Wild Animal on the following terms and conditions and at the rates mentioned below and in Schedule-I attached herewith. The term 'Wild Animal' will be as defined in the Wild Life (Protection) Act, 1972 (Central Act 53 of 1972).

1. In case of loss of human life or permanent disability/incapacitation or injury:

- a) In case of loss of human life, on the basis of the postmortem report issued by the Authorized Medical Officer, the amount of compensation to be paid is Rs. 2,00,000/- (Rupees Two lakhs only).
- b) In case of permanent disability/incapacitation, a report of the Health Officer/in charge of the Primary Health Centre/Medical Superintendent of the hospital as the case may be shall be obtained. In case the specialists are not available in the Primary Health Centre/District hospital or in case the Medical Officers are not competent to certify permanent disability/incapacitation, such cases have to be referred

to the Goa Medical College, Bambolim for certification. The amount of compensation to be paid is Rs. 1,00,000/- (Rupees One lakh only).

- c) In case of injury, on the basis of the report of the Health Centre/District Hospital/State Level Hospital, the amount of compensation to be paid is the entire amount of treatment or Rs. 50,000/- (Rupees Fifty thousand only), whichever is less.
- d) No compensation as at (a), (b) and (c) above is payable in case the incident occurs within National Parks/Wildlife Sanctuaries when the person has entered without valid entry Pass/Permit. This shall be certified by the concerned Deputy Conservator of Forests (DCF) based on the report of concerned Range Forest Officer (RFO) and countersigned by the concerned Asstt. Conservator of Forests (ACF)/Sub-Divisional Forest Officer (SDFO). However, the decision of Chief Wild Life Warden (CWLW) in this regard will be final to consider the genuinity of claim.

2. In case of loss of cattle, damage to house or crop or other property:

The amount of loss shall be paid at the rates as per the Schedule-I attached herewith. For assessing/calculating the losses, the Director of Agriculture and Director of Animal Husbandry and Veterinary Services shall issue rates per unit from time to time.

3. Procedure for assessment of amount of loss/damage:

- (A) (I) All cases of loss of life/damage by the wild animals should be reported by the applicant to the nearest Range Forest Officer (RFO) of the Wildlife Division/Territorial Division within 3 days of the occurrence of the incident. The RFO will forward the same duly countersigned by ACF/SDFO immediately to his Dy. Conservator of Forests alongwith the report
- (II) In cases of loss of human life, the concerned Dy. Conservator of Forests shall arrange to obtain the post mortem report from the Authorized Medical Officer.
- (III) Relief in case of loss of human life shall be granted in the following order of preference to:
- Wife or husband, as the case may be.
 - Sons, unmarried or divorced daughter (equal share).
 - Daughters (equal share).
 - Grand children being children of sons or daughters (equal share).

- e) Father or mother.
- f) Failing all the above, any other next of kin entitled to a share in the property of the deceased.

3(B) For the purpose of assessment of the loss/damage caused to the Agricultural/Horticultural crop/live stock/other property such as houses, huts, livestock sheds etc., the following Damage Assessment Committee (DAC) shall verify the various claims and assess the damages caused by the Wild Animals.

- i Sub-Divisional Forest Officer/Asstt. Conservator of Forests : Chairperson.
- ii Mamlatdar of the respective taluka : Member.
- iii Zonal Agricultural Officer (In case of agricultural/horticultural crop)/Vet. Officer (In case of cattle etc.)/Asstt. Engineer, PW D (In case of houses and other property) : Member.
- iv. Range Forest Officer of the respective Range : Member Secretary.

The Committee shall enquire, investigate and recommend the amount of compensation payable to the owner(s) of house/crop/cattle/other property damaged by Wild Animals in terms of the amount mentioned in the enclosed Schedule-I in accordance with the guidelines mentioned in Annexure-I. The physical inspection should be done at the earliest time possible.

(C) The Committee shall clear the case within 60 days from the receipt of the report of occurrence of the damage.

4. Payment of compensation for loss of life, permanent disability/incapacitation, injury or damage to crops/live-stock and property:

(A) Compensation for damages to crops as assessed & recommended by the Damage Assessment Committee (DAC) shall be referred to the Committee consisting of the following:

- 1 Dy. Conservator of Forests (Territorial Division).
- 2 Dy. Conservator of Forests (Wildlife and Ecotourism Division).
- 3 Sub Divisional Magistrate/Deputy Collector or his representative (Gazetted Officer).
- 4 Assistant Conservator of Forests - Convener.

This Committee shall sanction the amount after scrutinizing the assessment report as per the schedule annexed herewith and arrange to make payment through the respective Divisional Head.

(B) This Committee shall clear the case within one month (30 days) from the date of receipt of case papers from the Damage Assessment Committee (DAC). This Committee shall have powers to reduce the amount recommended by Damage Assessment Committee for reasons to be recorded in writing.

- 5 The charge on account of payment of compensation in respect of incident of depredation anywhere in the State will be treated as miscellaneous work of the Forest Department and shall be settled as per the delegation of financial powers delegated vide Notification No. 10-11-87/LA dated 05-02-1990 and as per the revision made from time to time by the Government. The expenditure will be met by the Forest Department from the Budget head of Account of the Department and payment will be made from the office of the concerned Dy. Conservator of Forests. Accordingly, the Dy. Conservator of Forests/Conservator of Forests/Chief Conservator of Forests will exercise the financial powers and issue sanction orders.

This order issues with the concurrence of the Finance Department vide its U.O. No. FIN(EXP)/3105 dated 07-08-2008.

By order and in the name of the Governor of Goa.

Jessie Freitas, Under Secretary (Forests).

Porvorim, 8th September, 2008.

ANNEXURE-I

Guidelines prescribed by the Government of Goa for payment of compensation to the owners of the cattle/crop/other properties damaged due to attack by Wild Animals.

- 1 Compensation will be admissible to legitimate residents/visitors if the incident has taken place in any of the Wildlife Sanctuaries or National Parks.
- 2 The investigation of the incidence of attack by the wild animals shall be initiated as early as possible from the date of the event taking place.
- 3 In case of death of cattle, etc., suspected to be caused by Wild Animals, the post mortem report from the concerned Government Veterinary Officer may be obtained by the owner and the same may be submitted along with the claim to the nearest Range Forest Officer concerned. The concerned Veterinary Officer shall visit the site within 48 hours of the receipt of complaint and furnish Certificate to the owner mentioning loss in Rupees taking parameters as mentioned under point No. 6.
- 4 The concerned Dy. Conservator of Forests shall investigate the attack on human beings by the Wild Animals and after effecting payment of compensation, submit the report to the Chief Wildlife Warden/Chief Conservator of Forests

through the Conservator of Forests. The concerned Mamlatdar shall be duty bound to identify the person & furnish requisite Certificate to the Range Forest Officer.

5 In order to decide the payment of compensation to the owner/owners of the cattle which die due to the attack by Wild Animals, the maximum rate indicated in Schedule-I annexed shall be adhered to. The Director, Department of Animal Husbandry & Veterinary Services shall issue Order/Circular from time to time about different rates to be taken for assessing the compensation to be paid to owners/farmers.

6 For determining the compensation payable in case of death or injury of cattle due to attack by Wild Animals, the Damage Assessment Committee (DAC) shall take into consideration the following conditions:

(i) The committee (DAC) should record its findings that the death of the live-stock/cattle was purely due to the attack by the Wild Animals and not due to any other reason. Cattle include cows (including cross bred cows), bullocks, buffaloes, calves, pigs, horses, donkeys, goats, sheep, etc.

(ii) The following details shall be recorded in the findings:-

- i Age of the animal.
- ii Milk yield of the animal in case of female.
- iii Maintenance cost of the animal by the owner.
- iv. Quantity of the animal dropping.
- v. Longevity of the animal.
- vi. Health of the animal.
- vii. Life history of the animal, and
- viii. The financial capacity of the owner of the animal etc.

7 No payment will be made to the same farmer/land holder more than once in a crop season. However this can be relaxed in genuine cases, where severe loss is caused and the Committee at para '3' recommends the case to Committee mentioned at para '4' which would examine and sanction amount fully/partially or may not sanction the amount for reasons to be recorded in writing.

8 The expenditure shall be debitable under the appropriate Scheme/Head of Account of the Forest Department and arranged to be paid by the Divisional Head.

SCHEDULE-I

The rate of compensation on account of loss of human life or permanent disability or injury and/or

damage to crop, cattle or property caused by Wild Animals would be as follows:-

1. *Ex-gratia* payment for death/injury to human life.

- | | |
|--|---|
| (a) For death | - Rs. 2,00,000/- |
| (b) For permanent disability (Resulting in loss of limb, eye, etc.). | - Rs. 1,00,000/- |
| (c) Injury | - The entire cost of treatment or Rs. 50,000/- whichever is less. |

2 For damage to agricultural crop assessment (Paddy, Nachini-Ragi, other Cereals, Pulses etc.)	As assessed by the Damage Committee subject to a maximum of Rs. 25,000/- per ha., and not more than Rs. 30,000/- per holding irrespective of area and a minimum of Rs. 1000/- per case/holding irrespective of area and actual assessment.
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3 For damage to horticultural crop:

- | | |
|--------------|---|
| a) Banana | Actual assessment or Rs. 30,000/- per single farmer holding, whichever is less. |
| (b) Coconut | Actual assessment or Rs. 30,000/- per single farmer holding, whichever is less. |
| (c) Cashew | Actual assessment or Rs. 20,000/- per single farmer holding, whichever is less. |
| (d) Arecanut | Actual assessment or Rs. 40,000/- per single farmer holding, whichever is less. |

4 Sugarcane	Actual assessment or Rs. 50,000/- per single farmer holding, whichever is less.
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5 Other fruit crops/vegetable/flower crops	Actual assessment or Rs. 25,000/- per single farmer holding, whichever is less.
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6 Miscellaneous crops (forest/medicinal/bamboo, etc.)	Actual assessment or Rs. 25,000/- per single farmer holding, whichever is less.
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7 Minimum payment for horticulture crops	Rs. 1,500/- per farmer holding irrespective of actual assessment.
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- 8 For death/injury to cattle/domestic animals (a) In case of death of cattle, the compensation will be as assessed by the Damage Assessment Committee subject to a maximum of Rs. 16,000/- in each case.
(b) In case of injury to cattle the compensation in each case will be as per the actual assessment or Rs. 5,000/- whichever is less.
- 9 For house/other property Actual assessment or Rs. 25,000/- per house whichever is less.
10. For any other item not mentioned above, the Committee mentioned at Para 4 shall decide the amount on merits after examining the case recommended by the Committee mentioned at Para 3.

Addendum

No. 7-5-2005/FOR

Read: Government Notification No. 7-5-2005/FOR dated 08-09-2008.

In the Government Notification read at above, the following shall be added as second last para:-

"The payment of Compensation will be effective at the current revised rate for the loss occurred on or after 01-04-2008".

By order and in the name of the Governor of Goa.

Jessie Freitas, Under Secretary (Forests).

Porvorim, 24th September, 2008.

Department of Industries**Order**

No. 15/5/80-IID. Vol. I(b)

Read: 1) Notification No. 11/3/2007-IND dated 27-06-2007.

2) Order No. 15/5/80-IID-Vol-I(b) dated 06-09-2007.

In exercise of the powers conferred under Section 4 of the Goa Industrial Development Act, 1965 (Act 22 of 1965) and in partial modification of the above cited Notification/order, Government of Goa is pleased to substitute Shri Prayan Dhamaskar as Director of Board of Goa Industrial Development Corporation Ltd., Panaji, (Goa-IDC) in place of Shri Nitin Naik.

By order and in the name of the Governor of Goa.

B. S. Kudalkar, Under Secretary (Industries).

Porvorim, 16th October, 2008.

Department of Information & Publicity**Order**

No. DI/INF/ESG/IFFI/08/4500

In pursuance of Rule 6(1) of the Rules of Entertainment Society of Goa, Old GMC Complex, Panaji, Goa, Government of Goa is pleased to nominate the following members/invitees on the Governing Body of the Society as follows, with immediate effect:

- 1 Secretary, Information & Publicity - Official Member.
- 2 Smt. Ranjana Salgaonkar - Non official Member.
- 3 Shri Manguirish Pai Raikar - Non official Member.
- 4 Shri Vishal Pai Cacode - Non official Member.
- 5 Shri Rajendra Talak - Special Invitee.

The order No. 1-7-2004-INF(OSD)/2005-06/1488 dated June 9, 2006 stands modified accordingly.

By order and in the name of the Governor of Goa.

Nikhil Desai, Director, Information & Publicity & ex officio Joint Secretary.

Panaji, 22nd October, 2008.

Order

No. DI/INF/ESG/IFFI/08/4501

Consequent upon the recommendation of the General Body of the Entertainment Society of Goa in its 5th meeting held on 29-8-07, the Government is pleased to amend Clause 6(1) of the rules and regulations of the Entertainment Society of Goa as below:

6. Constitution, Powers and Functions of the Governing Body:

(1) *The Governing Body shall consists of the following members:*

- 1 Chairman of the General Body shall be the ex officio Chairman of the Governing Body.
- 2 Vice-Chairman to be appointed by the Government from the General Body.
- 3 Member Secretary of the General Body shall be the ex officio Member Secretary of the Governing Body.
- 4 Five official members to be appointed by the Government from amongst the official members of the General Body, and
- 5 Four non-official members to be appointed by the Government from amongst the non-official members of the General Body.

There shall be five special invitees to be appointed by the Government on the Governing Body of the Society. Mayor, Corporation of City of Panaji shall be a special invitee to all the meetings of the Governing Body.

This amendment shall come into force from the date of publishing in the Official Gazette.

By order and in the name of the Governor of Goa.

Nikhil Desai, Director, Information & Publicity & ex officio Joint Secretary.

Panaji, 22nd October, 2008.

Department of Labour

Notification

No. 28/1/2008-LAB/1475

The following Award passed by the Industrial Tribunal-cum-Labour Court-I at Panaji-Goa on 12-09-2008 in reference No. IT/20/02 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

B. S. Kudalkar, Under Secretary (Labour).

Porvorim, 14th October, 2008.

IN THE INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I AT PANAJI

(Before Smt. Anuja Prabhudessai, Presiding Officer)

Ref. No. IT/20/02

Shri Hanumant Mashelkar,
Xell, Bastora,
Bardez, Goa.

... Workman/Party I

V/s

M/s. Shree Ganesh Steel,
Mapusa, Bardez, Goa.

... Employer/Party II

Party I/Workman represented by Adv., Shri A. V. Nigalye.

Party II/Employer is represented by Adv., Shri P. Chawdikar.

A WARD

(Passed on this 12th day of September, 2008)

In exercise of powers conferred by Clause (d) of sub-section (1) of Section 10 of the said Act, 1947, by order dated 8-3-2002, the Government of Goa has referred to this Industrial Tribunal the following dispute for adjudication:

"(1) Whether the action of the management of M/s. Shree Ganesh Steel, Mapusa, Goa, in terminating the services of Shri Hanumant Mashelkar with effect from 18-4-2000 is legal and justified ?

(2) If not, to what relief the workman is entitled ?"

2. On receipt of the reference, IT/20/02 was registered. Notices were issued to both parties. The

Party I has filed claim statement at Exb. 5. The Party I has stated that he was working for the Party II as a salesman-cum-clerk w.e.f. February, 1989. The Party I has stated that on 18-4-2000 when he had resumed his duty as usual he was refused employment by stating that his services were no longer required. Vide letter dated 17-5-2000 the Party I had informed the Party II that he was refused employment w.e.f. 18-4-2000 and he had requested the Party II to provide employment. The Party I has stated that the Party II had falsely alleged that he had remained absent w.e.f. 18-4-2000 without intimation or leave. The Party I raised a dispute before the Asstt. Labour Commissioner however the conciliation proceedings ended in failure. The Party I has stated that refusal of employment w.e.f. 18-4-2000 amounts to illegal termination. The Party I has therefore sought reinstatement with back wages and continuity in service.

3. The Party II had filed written statement at Exb. 6. The Party II has stated that there is no industrial dispute within the meaning of the Act and as such the reference is not maintainable. The Party II has denied that the Party I was a workman within the meaning of the Section 2(s) of the Act. The Party II has stated that the Party I had not reported for duty w.e.f. 18-4-2000. The Party II had stated that the Party II had not terminated the services of the Party I and that Party I had voluntarily stopped reporting for duty from 18-4-2000. The Party II has therefore claimed that Party I is not entitled for any relief.

4. The following issues were framed:

- 1 Whether the Party I proves that he was employed with the Party II as a salesman-cum-clerk ?
- 2 Whether the Party I proves that the Party II terminated his services w.e.f. 18-4-2000 in violation of the provisions of Sec. 25F of the I. D. Act, 1947 ?
- 3 Whether the Party I proves that the action of the Party II in terminating his services w.e.f. 18-4-2000 is illegal and unjustified ?
- 4 Whether the Party II proves that there is no industrial dispute and hence the reference is not maintainable ?
- 5 Whether the Party II proves that the Party I is not a workman as defined under Sec. 2(s) of the I. D. Act, 1947 ?
- 6 Whether the Party II proves that the Party I voluntarily stopped reporting for duties from 18-4-2000 ?
- 7 Whether the Party I is entitled to any relief ?
- 8 What Award ?

5. The matter was posted for evidence on 5-3-2003. The records indicate that the Party I had filed his affidavit in evidence at Exb. 10 on 18-6-2004 and thereafter the matter was adjourned time and again at

the request of the Party I. Despite several opportunities given the Party I has not adduced further evidence and has also not subjected himself to cross examination. On 2-8-2008 the advocate for the Party I submitted that he had no instructions from the Party I and consequently the evidence of the Party I was closed. It may be mentioned that having raised the dispute the Party I was required to prove that he was employed with the Party II as a salesman-cum-clerk and that his services were illegally terminated w.e.f. 18-4-2000 in violation of Sec. 25F of the Act. As stated earlier though the Party I had filed his affidavit in evidence he had not subjected himself to cross examination and as such the said affidavit cannot be looked into. In the absence of any evidence it cannot be held that termination of Party I is illegal or unjustified, hence I pass the following order.

ORDER

It is hereby held that the Party I has failed to prove that the action of the management of M/s. Shree Ganesh Steel, Mapusa, Goa in terminating the services of Shri Hanumant Mashelkar w.e.f. 18-4-2000 is illegal and unjustified.

No order as to costs.

Inform the Government accordingly.

S/-

(A. Prabhudessai),
Presiding Officer,
Industrial Tribunal-
-cum-Labour Court-I.

Notification

No. 28/1/2008-LAB/1475

The following Award passed by the Industrial Tribunal-cum-Labour Court-I at Panaji-Goa on 12-09-2008 in reference No. IT/36/04 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

B. S. Kudalkar, Under Secretary (Labour).

Parvorim, 14th October, 2008.

IN THE INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-I AT PANAJI

(Before Smt. Anuja Prabhudessai, Presiding Officer)

Ref. No. IT/36/04

Shri Prakash Rama
Malik and 2 others,
H. No. 296, Hassapur,
P. O. Kasarverem,
Pernem, Goa.

... Workmen/Party I

V/s

M/s. Highmark India P. Ltd.,
36, Pilerne Industrial
Estate, Marra,
Bardez, Goa.

... Employer/Party II

Party I/Workmen represented by Shri K. V. Nadkarni.

Party II/Employer is represented by Adv., Shri P. J. Kanat.

A WARD

(Passed on this 12th day of September, 2008)

In exercise of powers conferred by Clause (d) of sub-section (1) of Section 10 of the said Act, 1947, by order dated 11-10-2004, the Government of Goa has referred to this Industrial Tribunal the following dispute for adjudication:

"(1) Whether the action of the management of M/s. Highmark India P. Ltd., Pilerne Industrial Estate in terminating the services of its workmen, Shri Prakash Rama Malik-Cutting Operator, Shri Ashok G. Samant-Cutting Operator and Binder and Shri Suresh Kadam-Binder-cum-General Operator, with effect from 01-04-2004 is legal and justified ?

(2) If not, what relief the workmen are entitled to ?"

2. On receipt of the reference, IT/36/04 was registered. Notices were issued to both parties pursuant to which the Party I filed claim statement at Exb. 3. The Party I claimed that they are the employees of Party I which are engaged in business of printing. They have claimed that they are the senior-most workers in the organization and that they have clear service record. The Party I has stated that on 1-4-2004 when the workers had reported for duty they were stopped by the security staff and were prevented from entering the factory premises. They had raised the dispute before the Labour Commissioner and after which the company posted back dated termination letters to these workmen. The Party I has stated that the termination of the services of these workmen is in violation of Section 25F of the Act and the Rule 77 and the same is illegal and bad in law. The Party I has therefore sought reinstatement of these workmen with full back wages and continuity in service.

3. The Party II filed its written statement at Exb. 4. The Party II has stated that its business of printing and binding had considerably reduced and there was a lot of fluctuations in the business trend and there is a consistent down fall in the overall position and sales income had fallen down from over Rs. 4 crore to about 1 crore and by the end of financial year 31-4-2004 expected loss was about 17 lakhs. The Party II has stated that tremendous pressure on the existing frame work of the organization, it necessitated restructuring of operations and downsizing. It stated that on account of closing of binding section, the workers in the category of cutting machine operators and binder and senior

binder became surplus and as such their services were terminated. The Party II had stated that the Party I was offered legal dues however they did not collect the same. The Party II further stated that the Party I employees are not entitled for reinstatement or for any other relief.

4. The following issues were framed:

- 1 Whether the workmen/Party I prove that the termination of their service is in violation of the provisions of Sec. 25F, 25G of the I. D. Act, 1947 and Rule 77 of the Central Rules ?
- 2 Whether the workmen/Party I prove that the action of the Party II in terminating their services w ef. 1-4-2004 is illegal and unjustified ?
- 3 Whether the Party II proves that the services of the workmen/Party II were terminated on account of the closure of the binding section and in terms of the appointment letter ?
- 4 Whether the Party II proves that the workmen/Party I are gainfully employed ?
- 5 Whether the workmen/Party I are entitled to any relief ?
- 6 What Award ?

5. The records indicate that the evidence of one of the workmen, namely, Suresh S. Kadam was recorded and the matter was posted for further evidence of the workman. However on 14-7-2008 both parties appeared before the Tribunal and stated that the matter has been amicably settled. They have placed on record the terms of settlement at Exb. 34. These terms are signed by the respective parties and are acceptable to them. I have perused the terms and in my considered opinion the same are in the interest of the workmen. Hence I pass the consent award as per the consent terms at Exb. 34.

ORDER

- 1 It is agreed between the parties that the Party I employees are properly relieved from the services.
- 2 It is agreed between the parties that M/s. Prakash Malik, Ashok G. Samant and Suresh S. Kadam shall be paid an amount of Rs. 40,000/-, Rs. 40,000/- and Rs. 60,000/- respectively towards compensation, gratuity, etc., etc.
- 3 It is agreed and declared that the amounts payable by the Party II to the Party I in the manner hereinabove provided for are in full and final settlement and satisfaction of all the claims of the Party I employees against the Party II including claim for compensation for loss of office or otherwise whatsoever.
- 4 It agreed between the parties that the amount payable shall be paid on 10-7-2008 by pay orders drawn in their favour.

No order as to costs.

Inform the Government accordingly.

S/-

(A. Prabhudessai),
Presiding Officer,
Industrial Tribunal-
-cum-Labour Court-I.

Notification

No. 28/1/2008-LAB/1475

The following Award passed by the Industrial Tribunal-cum-Labour Court-I at Panaji-Goa on 15-09-2008 in reference No. IT/25/07 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

B. S. Kudalkar, Under Secretary (Labour).

Parvorim, 14th October, 2008.

IN THE INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-I AT PANAJI

(Before Smt. Anuja Prabhudessai, Presiding Officer)

Ref. No. IT/25/07

Ms. Prathiba Sawant,
Near Bambokar Bldg.,
Mala, Panaji, Goa.

... Workman/Party I

V/s

M/s. A.W. Faber-Castell
Stationery P. Ltd.,
24/1 D-1, Mologo De Orora,
Corlim Industrial Estate,
Corlim, Goa.

... Employer/Party II

Party I/Workman represented by Shri Subhash Naik.

Party II/Employer is represented by Adv., Shri P. Chawdikar.

A WARD

(Passed on this 15th day of September, 2008)

In exercise of powers conferred by Clause (d) of sub-section (1) of Section 10 of the said Act, 1947, by order dated 15-5-2007, the Government of Goa has referred to this Industrial Tribunal the following dispute for adjudication:

"(1) Whether the action of the management of M/s. A.W. Faber-Castell Stationery Private Limited, Corlim, Industrial Estate, Corlim, Goa, in terminating the services of Ms. Prathiba Sawant, workman with effect from 20-3-2006 is legal and justified ?

(2) If not, to what relief the workman is entitled ?

2. On receipt of the reference, IT/25/07 was registered. Notices were issued to both parties. The Party I has filed claim statement at Exb. 9. The Party I has stated that she was working for the Party II w ef. 5-2-2000. The Party I has further stated that vide letter dated 30-4-2005 her services were transferred to M/s. Artline (India) Pvt. Ltd., with continuity of service. M/s. Artline was closed down w ef. 26-12-2005. After closure, the services of Party I were transferred to M/s. A.W.Faber Castell Stationery Private Limited, where she worked till the date of her termination i.e. 20-3-2006.

3. The Party I has stated that she had received a letter dated 20-3-2006 from M/s. Artline P. Limited stating that her services had been terminated w ef. 20-3-2006. The Party I has stated that at the relevant time she was not working with M/s. Artline P. Limited. The Party I has stated that she was not given any notice and was not paid any retrenchment compensation and as such termination of her services is illegal and unjustified. The Party I had therefore claimed that she is entitled for reinstatement with full back wages.

4. On 21-8-08 both parties remained present before the Tribunal and stated that the matter has been amicably settled. They have filed an application which is at Exb. 14 stating that both parties have arrived at mutually acceptable settlement and that the Party I has received all her dues as well as ex-gratia compensation and therefore has no dispute pending with the Party II. The Party I has stated that she does not wish to continue with the reference. The parties have prayed that no dispute award be passed since the matter is amicably settled between them. The application at Exb. 14 clearly indicates that parties have settled the matter amicably and that the dispute which was referred to this Tribunal no longer survives.

Inform the Government accordingly.

S/-
(A. Prabhudessai),
Presiding Officer,
Industrial Tribunal-
cum-Labour Court-I.

Department of Law and Judiciary

Law (Establishment) Division

Order

No. 4-1-2008-LD (Estt)/1354

Government of Goa is pleased to appoint Senior Advocate, Shri Jilman E. Ceolho Pereira (former Advocate General) to appear and defend the interest of the Government before the High Court of Judicature at Bombay, Panaji Bench, Goa in the Writ Petition No. 50/02, Comunidade of Chicalim V/s. State of Goa and ors.

The terms of appointment of Senior Advocate, Shri Jilman E. Ceolho Pereira will be settled later, with the approval of the Government.

The appointment of Senior Advocate, Shri S. Lotlikar stands withdrawn at his request.

By order and in the name of the Governor of Goa.

Vassudev N. Shetye, Under Secretary (Estt.).

Porvorim, 13th October, 2008.

Department of Personnel

Order

No. 5/1/2003-PER (Part file)

The ad hoc appointment of the following officers in Senior Scale of Goa Civil Service is extended further for the period indicated against their names or till the appointment is made on regular basis, whichever is earlier:-

Sr. No.	Name of Officer	Ad hoc appointment extended upto
1	2	3
1	Shri Amarsen W. Rane	01-09-2008 to 28-02-2009
2	Kum. Maria Olinda Fernandes	01-09-2008 to 28-02-2009
3	Shri Prasad V. Lolayekar	01-09-2008 to 28-02-2009
4	Shri Joseph S. Monteiro	01-09-2008 to 28-02-2009
5	Shri Y. B. Tavde	01-09-2008 to 28-02-2009
6	Shri H. D. Mashelkar	01-09-2008 to 28-02-2009
7	Shri Michael M. D'Souza	01-09-2008 to 28-02-2009
8	Shri Dattaram Sardessai	01-09-2008 to 28-02-2009
9	Shri T. S. Sawant	01-09-2008 to 28-02-2009
10	Shri Francisco Tales	01-09-2008 to 28-02-2009
11	Shri Gurudas P. Pilarnekar	01-09-2008 to 28-02-2009
12	Shri Joazinho Vaz	01-09-2008 to 28-02-2009
13	Shri Arvind Loliyekar	01-09-2008 to 28-02-2009
14	Shri Meghanath P. Porab	01-09-2008 to 28-02-2009
15	Shri Vallabh K. Kamat	01-09-2008 to 28-02-2009

This is issued with the approval of GPSC conveyed vide their letter No. CQM/II/11/42(1)/05-Vol.II/1561 dated 3-10-2008.

By order and in the name of the Governor of Goa.

J. B. Bhingui, Joint Secretary (Personnel).

Porvorim, 14th October, 2008.

Order

No. 5/1/2003-PER (Part file)

The ad hoc appointment of the following officers in Junior Scale of Goa Civil Service is extended further for

the period indicated against their names or till the appointment is made on regular basis, whichever is earlier:-

Sr. No.	Name of Officer	Ad hoc appointment extended upto
1	2	3
1	Shri L. S. Pereira	01-09-2008 to 28-02-2009
2	Shri Francisco X. L. Ferrao	01-09-2008 to 28-02-2009
3	Shri Mahesh V. Corjuekar	01-09-2008 to 28-02-2009
4	Kum. Jessie Freitas	01-09-2008 to 28-02-2009

This is issued with the approval of GPSC conveyed vide their letter No. COM/II/11/42(1)/05-Vol.II/1562 dated 3-10-2008.

By order and in the name of the Governor of Goa.

J. B. Bhingui, Joint Secretary (Personnel).

Porvorim, 14th October, 2008.

Order

No. 7/22/2008-PER

In pursuance of the Government of India, Ministry of Environment and Forests, New Delhi Office Order No. 17015/01/2006-IFS-II dated 11-07-2007, the Governor of Goa is pleased to appoint Shri Rajgopal Prashant, IFS (AGMU: 2006), as Assistant Conservator of Forests in North Goa Division with immediate effect.

Shri Rajgopal Prashant, IFS (AGMU: 2006) has reported to this Administration on 08-09-2008 (forenoon) and was awaiting posting.

By order and in the name of the Governor of Goa.

Vassudev N. Shetye, Under Secretary (Personnel-II).

Panaji, 16th October, 2008.

Order

No. 5/9/2007-PER

Shri Umeshchandra L. Joshi, Under Secretary (Personnel-I) shall hold charge of the post of Under Secretary (Revenue-I) and Under Secretary (Revenue-II), in addition to his own duties during the Study Tour of Shri D. M. Redkar, Under Secretary (Revenue-I) and Shri Levinson Martins, Under Secretary (Revenue-II) at Andaman & Nicobar & Chennai (Tamil Nadu) from 11-10-2008 to 20-10-2008.

By order and in the name of the Governor of Goa.

Vassudev N. Shetye, Under Secretary (Personnel-II).

Porvorim, 17th October, 2008.

Order

No. 2/7/76-PER (Vol-III) Part

Read: 1) Order No. 2/7/76-PER (Vol-III) Part dated 22-9-2000.

2) Order No. 2/7/76-PER (Vol-III) Part dated 4-2-2008.

In supersession of orders referred to above the Government is pleased to reconstitute with immediate effect the Departmental Selection Committee/Departmental Promotion Committee for Group 'C' posts in the Police Department as under:-

- 1 Superintendent of Police - Chairman.
(DGP to nominate any Superintendent of Police by name)
- 2 One Deputy Superintendent of Police (DGP to nominate from any unit) - Member.
- 3 Joint Secretary/Under Secretary (Home) Secretariat-Porvorim - Member.

By order and in the name of the Governor of Goa.

Umeshchandra L. Joshi, Under Secretary (Personnel-I).

Porvorim, 17th October, 2008.

Order

No. PER/ESTT/Police/08

Transfer of following Police Officers are hereby made in public interest with immediate effect:

Sr. No.	Name of the officer & place of present posting	Place of transfer
1	Shri S. M. Prabhudessai, S. P. South	O.S.D. to H. E. the Governor.
2	Shri Allen D'Sa, S. P. (H. Q.) & Asstt. Comdt., IRBn.	S. P. South vice Shri S. M. Prabhudessai.
3	Shri O. Kurtarkar, S. P., ANC & Comdt., IRBn.	Shall hold additional charge of S. P. (HQ) in addition to his own duties.

By order and in the name of the Governor of Goa.

J. P. Singh, Chief Secretary.

Porvorim, 18th October, 2008.

Order

No. 6/2/2002-PER(Part)

Read: Order No. 6/2/2002-PER (Part) dated 12-09-2008.

The transfer of Shri Venancio Furtado, Deputy Collector & S.D.M., Quepem, as Deputy Collector & S.D.M.,

South, Margao and Shri Dipak S. Dessai, Deputy Collector & S.D.M., South, Margao, as Deputy Collector & S.D.M., Quepem, made vide order read in preamble shall be kept in abeyance until further orders.

By order and in the name of the Governor of Goa.

Umeshchandra L. Joshi, Under Secretary (Personnel-I).

Parvorim, 21st October, 2008.

Department of Public Health

Order

No. 45/1/2008-I/PHD

Government is pleased to transfer Dr. Sujata Prabhugaonkar, Junior Physician attached to Community Health Centre, Ponda to Community Health Centre, Canacona in public interest with immediate effect.

Dr. Terrence D'Costa, Junior Physician on contract basis shall draw his salary at Community Health Centre, Ponda.

By order and in the name of the Governor of Goa.

Jessie Freitas, Under Secretary (Health-II).

Parvorim, 15th October, 2008.

Department of Revenue

Notification

No. 22/37/2008-RD/4721

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose, viz. Land Acquisition for Taught to Teach Music School situated at Mapusa, Bardez, Goa, under P.T. Sheet No. 2 of Survey No. 11/p of Village Cunchelim in Bardez Taluka.

Now therefore, the Government hereby notifies under Section 3(cc) with reference to Section 3(e) under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this

notification, will under clause (seventh) of Section 24 of the said Act be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under Clause (c) of Section 3 of the said Act, the Dy. Collector & SDO, Mapusa, Bardez-Goa, to perform the functions of the Collector, North Goa District, Panaji, under the said Act in respect of the said land.

5. The Government also authorizes under sub-section (2) of Section 4 of the said Act, the following Officers to do the acts, specified therein in respect of the said land.

- 1) The Collector, North Goa District, Panaji-Goa.
- 2) The Dy. Collector & SDO, Mapusa, Bardez-Goa.
- 3) The Director of Art and Culture, Junta House, Panaji-Goa.
- 4) The President, Taught to Teach Music School Society, Mapusa-Goa.
- 5) The Director of Settlement and Land Records, Panaji-Goa.

6. A rough plan of the said land is available for inspection in the Office of the Dy. Collector & SDO, Mapusa-Goa for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Taluka : Bardez **Village:** Cunchelim

P.T. Sheet No./ Survey No./ Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3

2	11p Comunidade of Cunchelim. Lessee: Shri Shreepad Rama Naik.	3,000
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Boundaries :

North : P.T.S. 2/S. Nb. 11.
South : P.T.S. 2/S. Nb. 11.
East : P.T.S. 2/S. Nb. 11.
West : P.T.S. 2/S. Nb. 11.

Total: 3,000

By order and in the name of the Governor of Goa.

Umeshchandra L. Joshi, Under Secretary (Revenue-I).

Parvorim, 14th October, 2008.

Notification

No. 23/28/2008-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose, viz. Land Acquisition for construction of roads from main road near Shree Shantadurga Temple to Badaliwada in V.P. Culti, Candepar in Ponda Taluka.

Now therefore, the Government hereby notifies under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as "the said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this notification, will under clause (seventh) of Section 24 of the said Act be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under Clause (c) of Section 3 of the said Act, the Dy. Collector (IA), North Goa District, Panaji-Goa to perform the functions of the Collector, North Goa District, Panaji-Goa, under the said Act in respect of the said land.

5. The Government also authorizes under sub-section (2) of Section 4 of the said Act, the following Officers to do the acts, specified therein in respect of the said land.

- 1) The Collector, North Goa District, Panaji-Goa.
- 2) The Dy. Collector (IA), North Goa District, Panaji-Goa.
- 3) The Executive Engineer, W. D. XVIII (Roads), PWD, Ponda-Goa.
- 4) The Director of Settlement and Land Records, Panaji-Goa.

6. A rough plan of the said land is available for inspection in the Office of the Dy. Collector (IA), North

Goa District, Panaji-Goa for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Ponda**Village:** Candepar

Survey No./ /Sub-Div. No.		Names of the persons believed to be interested	Area in sq. mts.
1		2	3
74/1	H:	Mahadev Balchandra Sinai Khandeparkar.	650
77/0	H:	1 Gopalchandra Mahadeo Sinai Khandeparkar. 2 Mohan Balkrishna Sinai Khandeparkar. 3 Ravikant Ganpat Sinai Kerkar. 4 Gajanan Keshav Sinai Khandeparkar. 5 Ghanshyam Zivha Sinai Khandeparkar. 6 Govind Fatba Sinai Khandeparkar. 7 Govind Bhikoba Sinai Khandeparkar. 8 Gajanan Shivram Sinai Khandeparkar. 9 Kashinath Vishnu Sinai Khandeparkar.	7,100
88/3	H:	Gajanan Keshav Sinai Khandeparkar.	40
88/2	H:	Prakash Krishna Satarkar.	430
88/1	H:	1 Vibhakar Govind Khandeparkar. 2 Bhalchandra Govind Khandeparkar. 3 Deepak Govind Khandeparkar.	1400
89/2	H:	Ravikant Ganpat Kerkar.	380
86/3	H:	Fondu Krishna Bhat Gaonkar.	670

Boundaries :

North : Road.

South : S. No. 75/14, Nala, 88/2, 1,
89/2, 86/3.East : S. No. 74, 75/1, 2, 4, 6, 7, 8,
9, 11, 12, 13, 14.

West : S. No. 77, Nala, 88/2, 1.

Total: 10,670

By order and in the name of the Governor of Goa.

Umeshchandra L. Joshi, Under Secretary (Revenue-I/II).

Porvorim, 16th October, 2008.

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